

HOUSE BILL 2426
By Winningham

AN ACT to amend Tennessee Code Annotated, Title 70, relative to off-road vehicles.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 70, is amended by adding Sections 2 through 7 of this act as a new, appropriately designated chapter.

SECTION 2. This chapter shall be known and may be cited as the "Tennessee Volunteer Off-Highway Motor Vehicle Act".

SECTION 3. The general assembly hereby recognizes that the number of off-highway motor vehicle users in the state is increasing and is growing as a recognized recreational activity. Off-highway motor vehicles are significant financial investments and without registration are more subject to be stolen and sold to others.

SECTION 4. As used in this act, unless the context otherwise requires:

(1) "Agency" means the Tennessee wildlife resources agency authorized pursuant to Title 70;

(2) "Commission" means the Tennessee wildlife resources commission authorized pursuant to Title 70;

(3) "Dealer" means a person licensed by the proper state authorities to engage in the business of selling, offering to sell, soliciting, or advertising the sale of motor vehicles or possessing motor vehicles for the purpose of resale either on that person's own account or on behalf of another, either as that person's primary business or incidental thereto, pursuant to Title 55;

(4) "Director" means the executive director of the Tennessee wildlife resources agency, the director's duly authorized representative and, in the event of the director's

absence or a vacancy in the office of director, the assistant director of the Tennessee wildlife resources agency;

(5) "Off-highway motor vehicle or OHV" means any motorized vehicle capable of traveling off highways within the state. This term includes all-terrain vehicles, off-road motorcycles, dune buggies, and other four-wheeled vehicles used primarily for off-road activities. The terms do not include motor vehicles designed and used primarily for on-roadway activities; and

(6) "Owner" means the person in whose name the motor vehicle is titled.

SECTION 5.

(a) The owner of any off-highway motor vehicle may register the vehicle with the director, in the manner prescribed by the director. Registration information shall include, but is not limited to, the name and address of the owner, the type of vehicle, the license number, if any, the vehicle identification number, and that all applicable sales taxes and fees have been paid.

(b) Each person, upon filing the registration, shall pay a registration fee set by the director, except that the fee shall be ten dollars (\$10.00) for persons possessing a valid combination hunting and fishing license, hunting license, or sportsman license. The registration fee may be increased no more frequently than once every twelve (12) months by the commission and shall not exceed the increase in the consumer price index (or successor index) since the last increase was imposed.

SECTION 6.

(a) The funds received by the director under this chapter shall be used exclusively for the purpose of funding the operation and management of the off-highway volunteer motor vehicle program authorized under this chapter.

(b) A registration plate with unique identifying numbers or letters or both shall be issued for each off-highway vehicle registered pursuant to this chapter. The commission shall maintain records of each plate issued and to whom such plate was issued.

SECTION 7. The commission may promulgate rules and regulations to implement the provisions of this act.

SECTION 8. For the purposes of promulgating rules and regulations, this act shall take effect upon becoming a law, the public welfare requiring it. For all other purposes, this act shall take effect January 1, 2005, the public welfare requiring it.